

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22 are presently active in this case, Claims 1 and 15-17 having been amended and Claim 23 having been canceled without prejudice or disclaimer having been added by way of the present Amendment.

In the outstanding Official Action, Claims 15 and 17 were objected to because of minor informalities. The phrase "the surface" from original Claim 15 has been changed to "a surface," and incorporated into Claim 1. Additionally, Claim 17 has been amended to depend from Claim 16. Accordingly, the Applicants request the withdrawal of the objection to Claims 15 and 17.

The drawings were objected to under 37 CFR 1.83(a) and Claim 15 was rejected under 35 U.S.C. 112, first paragraph, regarding the recitation in Claim 15 of a window member and a second window member both including a surface with a fluorination organic compound. The Applicants respectfully traverse the drawing objection and the enablement rejection by noting that the present application does depict and disclose such an invention, for example, in Figure 14 that includes a window member (37) including a membrane (40) and a window member (47) that includes a membrane (40). Accordingly, the Applicants respectfully request the withdrawal of the drawing objection and the enablement rejection.

Claims 1, 3, 7, 9, and 11-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fraden (U.S. Patent No. 5,645,349) in view of Iacovangelo (U.S. Patent No. 6,261,694). Claims 1, 3-5, 7, 9, and 11-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fraden in view of Wallace et al. (U.S. Patent No. 6,624,944). Claim 10

was rejected under 35 U.S.C. 103(a) as being unpatentable over Fraden in view of Wallace et al. and Murata et al. (U.S. Patent No. 6,781,946). Claims 16, 17, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fraden in view of Wallace et al. and Kawai et al. (U.S. Patent No. 6,397,615). Claims 18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fraden in view of Wallace et al. and Tamaoki (U.S. Patent No. 6,684,037). Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Fraden in view of Wallace et al. and Taino et al. (U.S. Patent No. 6,121,596). For the reasons discussed below, the Applicants request the withdrawal of the obviousness rejections.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. Furthermore, the proposed modification cannot change the principle of operation of a reference.

The Applicants submit that a *prima facie* case of obviousness cannot be established in the present case because (1) the cited references, either taken singularly or in combination, do not teach or suggest all of the claim limitations, and/or (2) there is no suggestion or motivation to combine the reference.

Claim 15 was indicated as being allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. The Applicants submit that the portion of Claim 15 incorporated into Claim 1 places Claim 1 into condition for allowance. Claim 1 was amended to recite a second window member, which is arranged

between the window member and the temperature detecting sensor, and which transmits the infrared rays, and wherein the second window member includes a surface with a fluorination organic compound. While the limitation regarding the second frame in Claim 15 was not incorporated into Claim 1, the Applicants submit that amended Claim 1 clearly defines over the cited references. Firstly, the Applicants note that neither the Fraden reference, nor the Iacovangelo reference disclose a second window including a surface with a fluorination organic compound. Furthermore, the Fraden reference and the Iacovangelo reference should not be combined since the infrared reflecting coatings described in the Iacovangelo reference teaches away from the infrared sensor of the Fraden reference, which requires the transmission of infrared emissions through the window thereof in order to perform temperature measurement. And secondly, the Wallace et al. reference also does not disclose a second window including a surface with a fluorination organic compound, and therefore does not supplement the deficiency in the teaching of the Fraden reference, which also does not disclose such a feature. Therefore, the obviousness rejections of Claim 1 should be withdrawn.

All of the claims that depend from Claim 1 are considered allowable for the reasons advanced for Claim 1.

Claim 16 of the present application recites a temperature detecting unit comprising, among other features, an airflow unit that provides a curtain of airflow along a surface of a window member between an object and the temperature detecting sensor. Such a feature is not disclosed in the cited references.

The Official Action notes that the Fadden and Wallace et al. references do not disclose an airflow unit. The Official Action cites the Kawai et al. reference for such a

Application Serial No.: 10/618,587
Reply to Office Action dated October 20, 2004

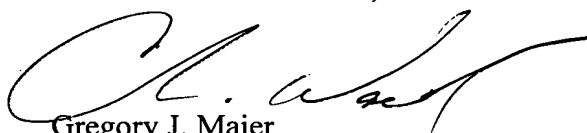
teaching. The Kawai et al. reference is directed to a vehicle air conditioner with a non-contact temperature sensor. As is evident from a review of Figures 2-5, the temperature sensor (31) of the Kawai et al. reference does not include an airflow unit that provides a curtain of airflow along a surface of a window member of the temperature detecting unit. While the Kawai et al. reference generally describes a blower, the Kawai et al. reference does not disclose or suggest the airflow unit as expressly recited in amended Claim 16. Accordingly, the Applicants respectfully request the withdrawal of the obviousness rejection of Claim 16.

Claim 17 is considered allowable for the reasons advanced for Claim 16, from which it depends.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

GJM:CDW:brf
I:\atty\cdw\240443US3\am1.doc

Christopher D. Ward
Registration No. 41,367